

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

WORKERS' COMPENSATION COURT
APPELLATE DIVISION

JEFFREY FURTADO)

)

VS.)

W.C.C. 2001-08344

)

CAP CITY OF RHODE ISLAND, INC.)

ORDER OF REMAND OF THE APPELLATE DIVISION

HEALY, J. This matter was heard before the Appellate Division of the Rhode Island Workers' Compensation Court in connection with the petitioner/employee's appeal from a decree entered by the trial judge. At oral argument, counsel for the appellant argued *inter alia* that the trial judge erred in failing to find that the employee suffered a work-related injury to his left shoulder. A review of the pleadings in this matter indicates that the employee did allege a left shoulder injury, as well as a neck injury, in his petition for benefits. Moreover, in his review of the evidence, the court discussed medical testimony regarding a left shoulder problem. In such circumstances, it is incumbent on the trial court to comment upon the evidence and to respond to the allegations raised in the petition.

Accordingly, it is hereby ordered:

1. The matter may be remanded to the trial court to review the evidence previously presented and to enter findings and orders responding to the employee's allegations that he suffered injuries to his left shoulder and neck arising out of or in the course of employment.

Entered as an Order of this Court this day of 2002.

BY ORDER:

ENTER:

Healy, J.

Morin, J.

Bertness, J.

I hereby certify that copies were mailed to Ronald Creamer, Esq. and Francis Connor, Esq. on
